# IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 548 OF 2007
IN
APPEAL FROM ORDER NO. 11 OF 2001

ALVARO DE SOUZA FARIA ... Applicant
Versus
MARIA L.DE SOUZA AND 7 ORS., ... Respondents

Mr. J. Abreu Lobo,Advocate for the applicant.
Mr. M.P. Almeida, Advocate for the respondents No.1, 2,7 And 8

Coram:- R. S. MOHITE, J.

Date:- 9th August, 2007

P.C.

Heard the Advocate for the applicant and Advocate for the respondents No.1,2,7& 8. M.C.A. No.546/2007 is for restoration of Appeal from Order No. 11/2001. M.C.A. No.547/2007 is for treating the service made by the respondents No.4 & 5 as good service and M.C.A No.548/2007 is for fresh notice to respondent No.6. The Advocate appearing for the respondents No.1,2,7 & 8 states that he has no objection if these applications are allowed. It seems from the record that the respondents No.4,5& 6 were not served after the appeal was admitted and therefore, on 3.5.2007, this Court granted time for 4 weeks to the appellant to take steps to serve unserved respondents. The order was conditional and it was directed that in case steps are not taken within 4 weeks, the appeal to stands dismissed. The Advocate for the appellant states that this order was passed on 3rd May 2007 and immediately vacation ensued. He was not available in the vacation. Immediately after the vacation, he went to take steps and found that time had lapsed. In the interest of justice and since there is no objection, the application No.546/2007 is allowed and A.O.No.11/2001 is restored to file.

M.C.A.No.547/2007 and M.C.A. No.548/2007 are disposed off with direction of fresh notice to respondents No.4,5 & 6 by R.P.A.D. returnable till 4th October, 2007. Bhatta to be paid immediately within one week. A.O. to be listed on 4th October, 2007.

R. S. MOHITE, J.

SMA